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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/883,685      | 06/27/1997  | RENE LANGHANS        | 59-118-3            | 5438             |

7590

08/08/2002

MCCORMICK, PAULDING & HUBER  
CITYPLACE II, 185 ASYLUM STREET  
HARTFORD, CT 061034102

EXAMINER

GOODMAN, CHARLES

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3724

DATE MAILED: 08/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER |
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49

DATE MAILED:

8-8-02?

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**Commissioner of Patents and Trademarks**

See Attached.

Art Unit: 3724

1. Application No.: 08/883,685

Art Unit: 3724

The reply brief filed May 21, 2001 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

2. In addition, Appellant's submission of evidence in support of the arguments traversing the 35 USC § 112, first paragraph issue<sup>1</sup> has been denied entry and not considered for cause because they were not timely filed. Under 37 CFR § 1.116, Appellant failed to show good and sufficient reasons why the evidence was not earlier presented especially since the § 112, first paragraph issue was raised at the onset of prosecution of the instant application.<sup>2</sup>

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

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<sup>1</sup> The evidence identified as Exhibit B and D in the current reply brief as well as the same evidence submitted in Paper Nos. 40 and 42.

Application/Control Number: 08/883,685

Page 3

Art Unit: 3724



**Charles Goodman**  
**Primary Examiner**  
**AU 3724**

cg 

August 7, 2002

**CHARLES GOODMAN**  
**PRIMARY EXAMINER**

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<sup>2</sup> Note the First Office Action, Paper No. 6, p. 4, ll. 15-19, mailed December 30, 1996.